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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,853	08/21/2003	Randall A. Addington	1081003	1852

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EXAMINER

PIERCE, WILLIAM M

ART UNIT PAPER NUMBER

3711

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,853

Applicant(s)

ADDINGTON ET AL.

Examiner

William M Pierce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/26/04
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 2, 3, 15 and 20-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 2, 3, 15 and 20-33 claims the combination of a counter force or a frictional force. In *Diamond v. Chakrabarty*, 447 U.S. 303, 206 USPQ 193 (1980), held that "the laws of nature, physical phenomena, and abstract ideas have been held not patentable." Frictional and inertia forces being claimed in combination here are considered to be laws of nature and physical phenomena and not patentable.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 3, 15 and 20-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The metes and bounds of claims 2 and 3 are unclear in that it claims a force that is created during an intended use of a bowling ball. One cannot determine the metes and bounds for the claim since its scope will change depending upon how a bowling ball is delivered. For example, Calentines device would produce "counter forces at an angle" when being used due to the lift and rotation of the wrist during the delivery of a bowling ball. However, the same structure may or may not generate such forces when the ball is merely being held at rest by a bowler prior to rolling the ball or when throwing a ball straight on at the pins without producing any spin on the ball. Claims 17, 27 and 29 contain a typo in "bowler="

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-16, 18, 19 and 21-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Calentine.

As to claims 1 and 8-16, 18 and 19, Pg. 17 of applicant's specification states that the finger pad, such as 10 shown by Calentine, can be mounted by way of a glove as is shown by Calentine's 44. 14 is the second means for mounting and 70 and 18 are the first and second means for co-acting. As to claims 2 and 3 Calentine inherently produces the frictional and inertial forces experiences between a bowling ball and a bowlers fingers while bowling. As to claim 4, at 50 of the extension is considered to be a means for limiting the depth of insertion. Applicant's specification limit the scope of such a means to a raised surface as that which is shown at 50. As to claims 6 and 7, 24 is a hemisphere protrusion and 70 is the groove indentation that is hemisphere in cross-section. Claims 21-33 are interpreted as set forth above with respect to the preceding claims. The "forces" acting in the delivery of a bowling ball that interact between a finger, an insert and the bowling ball are inherent in Calentine.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 17, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calentine.

While Calentine fails to show covering of the finger tip. Finger tip gloves and gloves without finger tip are well known depending upon the users desired amounts of protection. In bowling full finger inserts are known as shown by Pugh. To have included a means for covering the finger tip of Calentine would have been obvious in order to afford protection to the finger tip during bowling. As to claim 20 increasing the number of interacting inserts 28 and slots 70 of Calentine would have been an obvious matter of duplication of parts. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bernhardt, Stott, Kramer, Saunders, Graskewicz and Marinese show finger protectors.

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Any inquiry concerning this communication and its merits should be directed to William Pierce at E-mail address bill.pierce@USPTO.gov or at telephone number (571) 272-4414.

For **official fax** communications to be officially entered in the application the fax number is (703) 872-9306.

For **informal fax** communications the fax number is (703) 308-7769.

Any inquiry of a general nature or relating to the **status** of this application or proceeding can also be directed to the receptionist whose telephone number is (703) 308-1148.

Any inquiry concerning the **drawings** should be directed to the Drafting Division whose telephone number is (703) 305-8335.



WILLIAM PIERCE
ATTORNEY AT LAW